IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Crl.MC.No. 3953 of 2006()

CRIME NO.487/06 OF ERNAKULAM TOWN NORTH POLICE STATION
CRL.M.C.NO.1436/06 OF SESSIONS COURT, ERNAKULAM. .....

PETITIONER: ACCUSED:

SATHEESAN, AGED 26 YEARS,
S/O.KUNJIKANNAN, VALIYAVEETTIL,
NEAR PATTENISUVARANAVALLI TEMPLE,
NEELESWARAM VILLAGE, HOSDRUG TALUK,
KASARGOD.

BY ADV. SRI.M.J.SANTHOSH

RESPONDENT/COMPLAINANT:

THE STATE OF KERALA, REPRESENTED BY
THE S.I. OF POLICE, ERNAKULAM TOWN NORTH
POLICE STATION.
(CRIME NO.487/2006) THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3953 of 2006

Dated this the 4th day of December 2006

O R D E R

The petitioner faces allegations under Section 420 I.P.C. The allegation as revealed from the order passed by the learned Sessions Judge granting bail is that "using the credit card entrusted by the complainant, the accused purchased articles worth Rs.20,591/- and appropriated the same." The petitioner is in custody from 20/10/2006. Bail was granted by the learned Sessions Judge subject to conditions. There was a condition imposed interalia that one of the sureties of the petitioner must produce a solvency certificate or in the alternative, provide cash security of Rs.10,000/- before the learned Judicial First Class Magistrate Court-II, Ernakulam.

2. The learned counsel for the petitioner submits that the condition imposed is too onerous and harsh. The petitioner who is continuing in custody from 20/10/2006 is unable to take advantage of the order granting bail because of the nature of the conditions imposed. The petitioner is unable to offer cash security for Rs.10,000/-. It will take a long time to secure the solvency certificate for the surety. If the petitioner is not released from custody, he will not be able to do the needful to procure the solvency certificate. The

learned counsel for the petitioner, in these circumstances, prays that production of solvency certificate and cash certificate may not be insisted. The petitioner may be directed to be released on his executing a bond as directed with two solvent sureties. If it be necessary, the petitioner shall ensure that one of the sureties shall produce solvency certificate within a reasonable stipulated period after the release of the petitioner.

3. Notice has been given and the learned Public Prosecutor also has appeared. Having considered all the relevant inputs, I am satisfied that this petition can be allowed and the impugned order can be modified.

4. In the result, this Criminal Miscellaneous Case is allowed. The learned Magistrate shall release the petitioner on bail on condition that he executes a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like sum. Solvency certificate or cash security need not be insisted now. The petitioner shall produce solvency certificate of one of the sureties within a period of forty five days from the date of his release.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006